

## **REMARKS**

In the Office Action dated September 12, 2005, claims 1-43 were rejected under 35 U.S.C. §102(b) as being anticipated by German Patentschrift DE 43 30 606 C1. Applicants note that this reference corresponds to United States Patent No. 5,493,741, and therefore Applicants will use the corresponding United States patent as the basis for the discussion below.

The rejection of claims 1-43 as being anticipated by the German Patentschrift and/or the corresponding United States patent is respectfully traversed for the following reasons.

The patient support disclosed in the '741 patent does not interact with two different types (shapes) of patient support boards so as to prevent lateral motion thereof by means of a support component having a contact surface and a positive fit mechanism, as set forth in independent claims 1 and 21 of the present application. Instead, the patient support disclosed in the '741 patent forms a positive fit with one and only one type of patient support, namely the flat patient support 2 on which a patient lies when being transported by the gurney. In order to facilitate transferring a patient between the gurney and a medical examination apparatus that has a curved support plate 5, the upper part 35 of the gurney has a recess therein, beneath the flat support plate 2, which allows the curved plate 5 to slide beneath the flat plate 2. Then, either the gurney is adjusted in height or the base 4 of the medical examination apparatus is adjusted in height, to bring the curved support plate and the flat support plate 2 into engagement, so that the patient on the flat support plate 2 can be moved into the examination apparatus. The curved support plate 5, therefore, is at no point supported by the gurney, but always remains supported by

the base of the examination apparatus. The arrangement shown in Figure 2 of the '714 patent is an end view showing the end of the support plate 5 that has been moved beneath the flat support plate 2. As can be seen by the completely open space beneath the support plate 5, within the recess in the upper part 35, the support plate 5 is not in contact with, nor supported by, any part of the supporting structure of the gurney. The support plate 5 merely engages the support plate 2, but this is not an engagement that provides any type of support to the curved plate 5.

Applicants believe these distinctions were present in the previous language of claims 1 and 21, but each of those claims has nevertheless been editorially amended to make clear that the contact surface of the support component is adapted to directly contact and receive a patient support board, and to state that the multiple configurations of the contact surface differ from each other such that the different configurations conform to the differences exhibited by the different types of patient support boards.

As noted above, even if the entire top surface of the upper part 35, that includes the aforementioned recess, is considered as a "contact surface," this contact surface in the '714 patent directly contacts and receives one and only one type of support plate, namely the support plate 2. Moreover, if the upper surface of the upper part 35 in the '714 patent is considered as a "contact surface," this surface has one and only one configuration, and is not able to exhibit multiple configurations (for any purpose) as also set forth in the independent claims of the present application.

The '714 patent and the German counterpart thereto, therefore, do not disclose all of the elements of independent claims 1 and 21 as arranged and operating in those claims, and thus do not anticipate either of claims 1 or 21. Claims 2-20 and 42 add further structure to the novel combination of claim 1, and claims 22-41 and 43 add further structure to novel combination of claim 1, and therefore none of those dependent claims is anticipated by either of the '714 patent or its German counterpart, for the same reasons discussed above in connection with claims 1 and 21.

Claims 1-43 also were rejected under 35 U.S.C. §102(e) as being anticipated by Pastyr et al. This rejection also is respectfully traversed for the following reasons.

The substantiation given by the Examiner for the rejection based on Pastyr et al. is not understood. The Examiner stated the Pastyr et al. reference discloses a support component having a contact surface, which the Examiner stated is considered to be the cutout section below where reference numeral 1 is pointing in Figure 2. The Examiner further stated that this support component exhibits multiple configurations of "said" contact surface, but for this limitation the Examiner stated the contact surface is now being considered as the contact surface where reference numerals 5 and 37 are pointing in Figure 2.

In independent claims 1 and 21, by contrast, the *same* contact surface is being designated throughout the claim. To substantiate the rejection based on the Pastyr et al. patent, the Examiner has identified two separate and different surfaces within the overall Pastyr et al. structure, and Applicants submit this does not track or conform to the language of independent claims 1 and 21, wherein one and only one contact surface is being described throughout each of those claims. Moreover,

neither of those surfaces identified by the Examiner in the Pastyr et al. reference exhibits multiple configurations that allow different types of patient support boards to be in direct contact with and received by the contact surface. The only patient support board disclosed in the Pastyr et al. reference is the “stretcher” designated with reference numeral 1. An adapter plate 3 is provided in the Pastyr et al. reference, to which the stretcher 1 can be affixed, and the adapter plate 3 can not only be placed on a cart 2, but also can be transferred to various treatment stations. This is for the purpose of minimizing the need to transfer the patient back and forth from different support plates.

The Pastyr et al. reference does not address the fact that many “treatment stations” such as medical imaging systems would not be able to accept a flat adapter plate such as the adapter plate 3. The Pastyr et al. reference therefore not only fails to disclose structure corresponding to the claim elements of independent claims 1 and 21, but does not solve the problem that is solved by the subject matter of claims 1 and 21 of the present application of allowing a patient gurney to be used with different types of patient support boards that respectively exhibit different shapes.

The Pastyr et al. reference, therefore, does not disclose all of the elements of either of independent claims 1 or 21, and thus does not anticipate either of those claims. For the same reasons none of the dependent claims in the respective sets of dependent claims depending from claims 1 and 21 is anticipated by Pastyr et al.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

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